

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO.19381 OF 2005

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Dated 16-09-2005

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Between:

Sravan Kumar Hunmula,

Balanagar, Hyderabad.

...Petitioner

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State of A.P., rep. by its Principal Secretary

To Government (Education (HE) Department,

Secretariat, Hyderabad and others

...Respondents

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.No.19381 OF 2005

ORDER:

The petitioner challenges the action of the respondents in not selecting him for admission into First Year M.B.B.S. Course against a seat earmarked for sports category, as illegal, arbitrary and contrary to the procedure prescribed under G.O.Ms.No.27, dated 04-06-2005.

The petitioner appeared the entrance examination for selection of candidates for admission into First Year of M.B.B.S. Course. He was not selected in the usual

course. He is a sportsman in Hockey, and participated in the 33rd Junior National Hockey Championship, held at Jabalpur, and 7th South Zone Junior National Hockey Championship, held at Virudh Nagar, of Tamil Nadu.

The admission Rules, framed by the Government of Andhra Pradesh, provide for reservation of 0.5% of seats, in favour of candidates, who have participated in the Games and Sports.

The list of events that are recognized for this purpose, is appended as Annexure-I, to G.O.Ms.No.27, Youth Advancement, Tourism & Culture (Sports) Department, dated 04-06-2005. Annexure-II had formulated as many as 90 priorities, to be assigned to the candidates, depending upon the nature of event, and the accomplishment of the participants. A list of priorities of team- sports is also indicated in the same Annexure. Hockey figures as the first item of priority.

Through G.O.Ms.No.31, dated 29-06-2005, the Government has done away with the priorities of team events. The grievance of the petitioner is that, on account of such omission, he was denied admission.

Sri Abhind Kumar Shavili, learned counsel for the petitioner, has made submissions, touching on facts and law. His contention is that, but for the omission of priorities of team events, the petitioner would have been selected for admission against the said category of seats.

The learned Government Pleader for Medical and Health and learned Standing Counsel for N.T.R. University of Health Sciences submit that the nature of participation of the petitioner is such that, it does not enable him to be selected, whether it is under the amended or un-amended Rules.

The participation of the petitioner in the event, referred to above, enables him to be placed at priority No.46. The priorities of team events, furnished in Annexure-II, indicate a list of such events, which are arranged in the order of priority. The purport of this arrangement is that, whenever it is found that several candidates occurred at the same priority, as to level of participation, or winning medals etc., an *inter se* priority is to be accorded, on the basis of the said enlistment. Game of hockey is placed at Sl.No.1, in the priority of team events.

It is difficult to accept the contention of the petitioner that irrespective of the nature and level of participation, the petitioner ought to have accorded priority, on account

of the fact that he played hockey. The petitioner, admittedly, figures at item No.46, of the priorities. During the process of selection, the list of the priorities up to which the candidates were available is, 27. Even within the priority No.27, several candidates were left out, on account of lack of seats. Assuming that the priorities of team events is not deleted, the petitioner would have stood to benefit, if only he had to compete with the other candidates in the priority of 27 and above. In such an event, he would have stealed a march over others, on account of primacy, accorded to the game of hockey, under the unamended Rules. Once his participation and accomplishment have enabled him to figure him at priority No.46, there is no way, that he could have come to the zone of selection. Therefore, no exception can be taken to the procedure adopted by the respondents.

The writ petition is accordingly dismissed. There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.16-09-2005

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